

## REMARKS

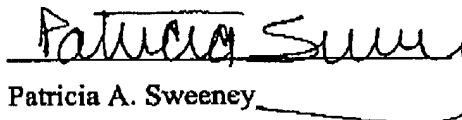
Claims 1-34, 41-45 were withdrawn and now cancelled. Claims 37 and 40 were previously cancelled. This amendment also cancels claims 35, 39 and 46-57. Claim 36 is amended. Claim 38 has been indicated in condition for allowance. Claims 36 and 38 are pending.

A new oath is provided with this response.

The Examiner has indicated claim 38 is in condition for allowance and has reiterated previous reasons for rejecting the remaining claims. The rejection is respectfully traversed, however, in the interest of expediting prosecution, and reserving the right to pursue the other claims in a continuing application, applicant has cancelled all non-allowed claims, and amended claim 37. Claim 37 is amended to recite a sequence comprising SEQ ID NO: 5, the promoter of the invention. For the same reasons that claim 38 is in condition for allowance, claim 37 as now amended is believed to be placed in condition for allowance, as it recites a sequence comprising SEQ ID NO: 5.

Since the amendment does not enter any new matter and adopts the Examiner's proposals, canceling non-allowable claims, and places the claims in condition for allowance, entry of the amendment is respectfully requested, and reconsideration and allowance of the claims.

Respectfully submitted,

  
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